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Attorneys for Sonos, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA,
SAN FRANCISCO DIVISION

GOOGLE LLC,

Plaintiff and Counter-defendant,

v.

SONOS, INC.,

Defendant and Counter-claimant.

Case No. 3:20-cv-06754-WHA
Related to Case No. 3:21-cv-07559-WHA

**DECLARATION OF CLEMENT
ROBERTS IN SUPPORT OF SONOS,
INC.'S ADMINISTRATIVE MOTION
TO FILE UNDER SEAL RE SONOS'S
REPLY IN SUPPORT OF MOTION
FOR SUMMARY JUDGMENT
REGARDING GOOGLE'S
CONTRACT-RELATED CLAIMS**

1 I, Clement Roberts, declare as follows and would so testify under oath if called upon to do
2 so:

3 1. I am an attorney with the law firm of Orrick, Herrington & Sutcliffe LLP, counsel
4 of record to Sonos, Inc. (“Sonos”) in the above-captioned matter. I am a member in good
5 standing of the Bar of the State of California. I make this declaration based on my personal
6 knowledge, unless otherwise noted. If called, I can and will testify competently to the matters set
7 forth herein.

8 2. I make this declaration in support of Sonos’s Administrative Motion to File Under
9 Seal in connection with Sonos’s Reply in Support of Motion for Summary Judgment Regarding
10 Google’s Contract-Related Claims (“Sonos’s Reply”).

11 3. Sonos seeks an order sealing the materials as listed below:

DOCUMENT	PORTIONS TO BE SEALED	DESIGNATING PARTY
Sonos’s Reply	Portions highlighted in green	Sonos and Google
Exhibit 15 to Kolker Reply Declaration	Entire Document	Sonos and Google
Exhibit 16 to Kolker Reply Declaration	Entire Document	Sonos

18 4. The portions of Sonos’s Reply highlighted in green, and Exhibit 16, contain
19 references to Sonos’s confidential business information and trade secrets, including Sonos’s
20 research and development processes. The specifics of how these functionalities and processes
21 operate is confidential information that Sonos does not share publicly. For example, Exhibit 16
22 contains Sonos’s internal product code names and Sonos’s technical strategy for integrating
23 outside content server providers’ content into the Sonos ecosystem. Thus, public disclosure of
24 such information may lead to competitive harm as Sonos’s competitors could use these details
25 regarding the architecture and functionality of these products to gain a competitive advantage in
26 the marketplace with respect to their competing products. Additionally, some of the green
27 highlighted portions of the Reply include terms to confidential agreements that are not public.
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1 Specifically, that agreement shows the terms on which Sonos works with content service
2 providers to integrate their content into Sonos's system, a regular part of Sonos's commercial
3 work. Similarly, Exhibit 15 includes details of Sonos's history of licensing negotiations with
4 Google, while Exhibit 16 includes details of Sonos's collaboration with Google on the technical
5 side of integrating Google's content into the Sonos system. Disclosure of this information would
6 harm Sonos's competitive standing by giving Sonos's competitors highly sensitive information
7 about Sonos's business dealings with other entities. *See, e.g.*, Dkt. 518 at 15 (granting Google's
8 request to "seal information related to third-party license agreements, public disclosure of which
9 may cause Google harm"); Case No. 3:21-cv-7559-WHA, Dkt. 228 at 3-4 (granting motions "to
10 seal references to confidential business negotiations and agreements, public disclosure of which
11 may cause both parties harm"). Sealing this information would thus "prevent competitors from
12 gaining insight into [Sonos's] business model and strategy." *In re Qualcomm Litig.*, No. 3:17-cv-
13 0108-GPC-MDD, at *4 (S.D. Cal. Nov. 8, 2017). A less restrictive alternative than sealing the
14 portions of Sonos's Motion and the exhibits indicated in the table above, would not be sufficient
15 because the information sought to be sealed is Sonos's confidential business information and
16 trade secrets and is integral to Sonos's legal arguments.

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18 I declare under penalty of perjury that the foregoing is true and correct to the best of my
19 knowledge. Executed this 28th day of February, 2023 in Belevvedere, California.

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21 /s/ Clement S. Roberts
22 Clement Seth Roberts
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